

Provo's age-old battle for water

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For nearly 68 years the "Morse Decree" has been the definitive bible of water rights on the Provo River.

It represents an adjudication of the river; in other words, it specifically decrees the rights to Provo River water, and who owns those rights.

On several occasions since the Morse Decree was signed on May 2, 1921 by Judge C.W. Morse, a renowned water judge, the rights have been tested in court cases, and consistently the Utah Supreme Court has upheld the decree. To date it has not been overturned.

What does the Morse Decree say and what rights does it grant?

To get the proper setting for the decree, one must go back to the early beginnings of Provo.

Utah was settled in 1847, and three years later Provo went to the territorial legislature to obtain a charter. The legislature granted a charter stating, in part, that Provo "is in charge of timber and water resources."

Within a year the legislature reaffirmed the charter, still giving Provo control of water and timber resources.

The city boundaries were extensive. Beginning at Fort Utah — now on Geneva Road — the city extended two miles west to the shore of



Provo River water rights

Part 1

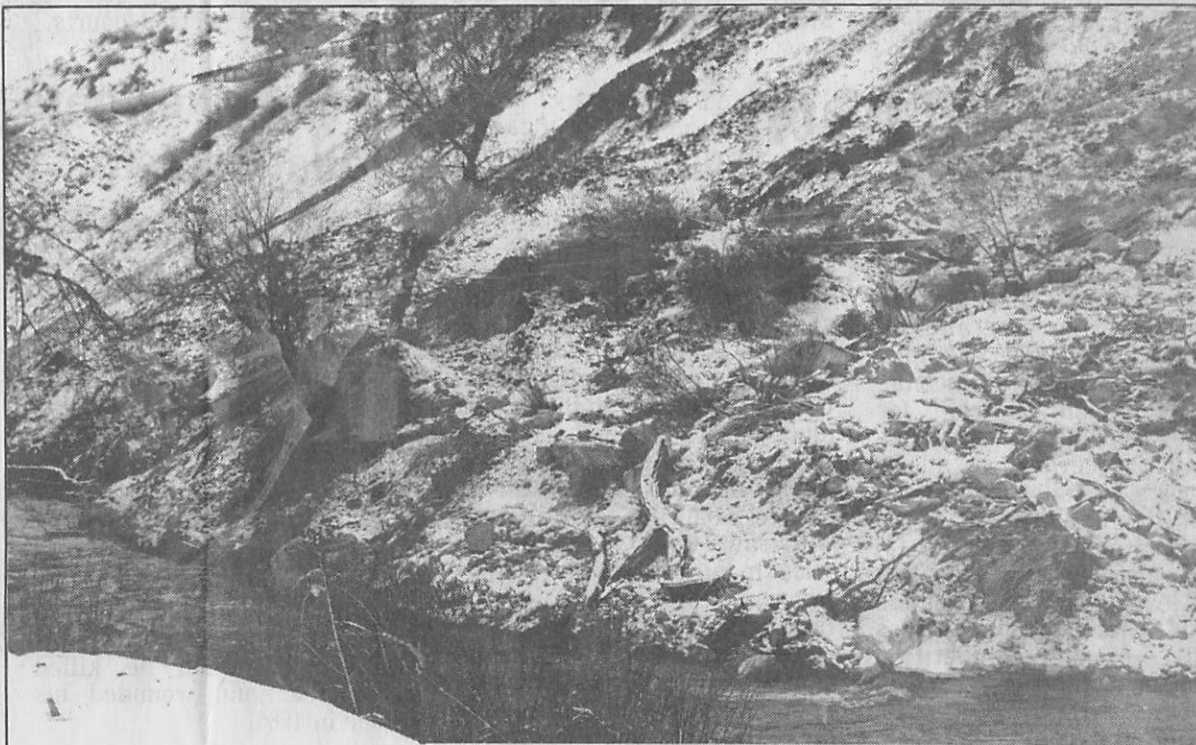
Utah Lake, south along the lake shore for some distance, east to the mountains, and north to the mouth of Provo Canyon. From that point, the city extended west to the lake and south to Fort Utah.

That placed Provo River totally within the city from the mouth of Provo Canyon to the lake. Apparently it was the custom at that time to give jurisdiction of water to the city lying in the closest proximity.

In 1852 the legislature had a change of heart and took away "water and timber resources" from city charters and gave supervision to the courts, but specified that the court had no jurisdiction over water rights previously awarded by the territorial legislature. In other words, Provo still had jurisdiction over the river.

This was tested three times in those early days. Three different parties appeared before the court asking for water from Provo River within the city. On all three occasions, the judge turned them down, telling them he had no jurisdiction and must go to Provo city.

In 1880 the legislature had another change of heart and

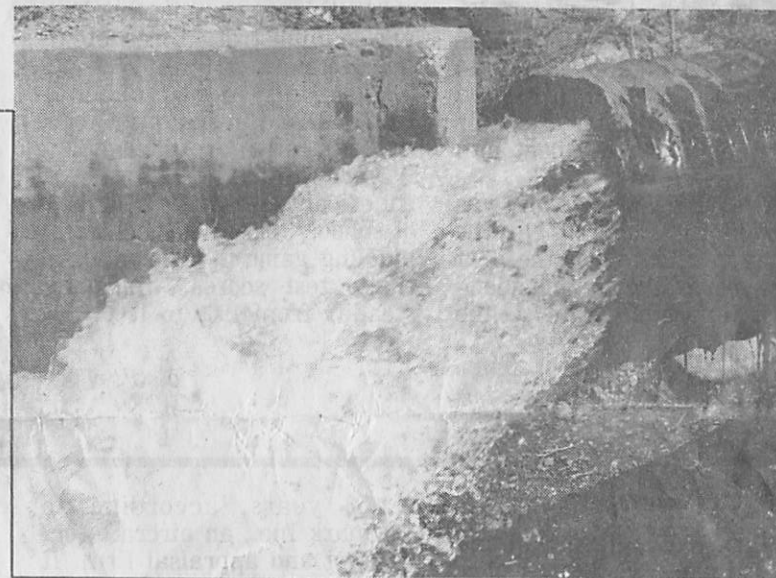


Steve Olsen Photo

History is on Provo's side in the fight for Provo River water rights. Legislative bodies and the courts have consistently awarded Provo water.

took away jurisdiction from the courts because the attorneys believed the legislature had no authority to take that action.

On Jan. 17, 1853, Brigham
(See WATER, Page 2)



Brian Tregaskis Photo

The Daily Herald



(Continued from Page 1)
 sign) was more dreaming
 and rhetoric than reality.”
 Most of Bush’s education ini-
 tiatives build on programs al-
 ready in place. For example,
 he wants to expand an income-
 contingent loan program for
 college students. A two-year-
 old pilot program, it allows
 borrowers to tailor their post-
 school loan payments to the
 amount of money they earn.
 Bush also has said education
 must learn from the business
 world, where tax incentives
 and free-market competition
 encourage companies to boost
 their standards.
 During the campaign, Bush
 proposed helping families save
 for college by allowing those
 with incomes up to \$80,000 to
 receive tax-free interest on
 U.S. savings bonds used for
 education, but Congress beat him
 to the draw.
 The savings-bond plan was
 approved by Congress in the
 Mitchell tax bill. Over the next
 three years, the savings-bond
 law is expected to cost the

federal government some \$60
 million in lost tax revenues.
 Last October, Bush unveiled
 another plan aimed at encour-
 aging low- and middle-income
 families to save money for
 financing college educations.
 Under the plan, families could
 invest in a savings account
 similar to an Individual Retirement
 Account and interest
 earned would be tax-free until
 withdrawn.
 Bush aides estimate that
 program could cost \$550 mil-
 lion a year by 1993.
 Along with expanding the in-
 come-contingent loan program,
 Bush has proposed full funding
 of Pell Grants and guaranteed
 student loans, areas the Rea-
 gan administration repeatedly
 tried to slash or limit.
 Bush has plenty of chal-
 lenges ahead in his quest to be
 the “education president.”
 More than a quarter of
 American teen-agers drop out
 of school; there have been only
 piddling gains in scholastic ap-
 titude test scores, which fell
 steadily from 1963 to 1980.

killing mother

ALEXANDRIA, La. (AP) —
 A 17-year-old who said he was
 sleepwalking when he shot his
 mother to death was placed on
 probation for five years and
 ordered to undergo psychiatric
 treatment.

Gary Michael Willis of
 Winnsboro pleaded guilty in
 June to manslaughter for kill-
 ing his mother, Pamela Willis.
 During pretrial hearings, a
 psychiatrist said Willis was
 sleepwalking when he killed
 his mother and wounded his
 father in 1986.

State District Judge Lewis
 O. Lauve on Tuesday told Wil-
 lis there was a reasonable
 doubt whether he was culpable
 for the crime. The youth origi-
 nally was charged with second-
 degree murder.

Lauve placed Willis on su-
 pervised probation, but said if
 he violated the probation, he
 could go to prison for 21 years.

JET:

(Continued from Page 1)
 gan International Airport af-
 ter company inspectors dis-
 covered the 3-inch crack in

12.53 years, according to
 Avmark Inc., an aircraft con-
 sulting and appraisal firm. It
 is estimated that there are

tensive overhauls.

Likewise, Eastern not long
 ago decided to overhaul its
 older Boeing 727s, instead of



95% Lean, Boneless

HAM

1³⁹
lb.

STEAK

Top Sirloin, lb. **1⁶⁹**

SCROD COD

Tasty, fresh, lb. **2⁹⁸**

LUNCH MEAT

Bar-S, 12 oz. pkg. **98¢**

TASTY SAUSAGE

Jimmy Dean, lb. **1⁶⁹**

PIZZA

Mama Rose, 20 oz. pkg. **1⁷⁹**

CRAB

Imitation, great for salads, lb. **1⁶⁹**

BURRITOS

Las Campanas, 10 pack **2¹⁹**

CREAMY CHEESE

Long Horn, lb. **1⁵⁹**



Diet Or Regular, 6 Pack, 12 Oz. Cans

**COKE
PRODUCTS**

1¹⁹

BATH TISSUE

Western Family, 4 roll pack **79¢**

CAT FOOD

Western Family, 6 oz. can **6/\$1**

VEGETABLE JUICE

V/8, 6-6 oz. cans **1¹⁹**

TOMATO SOUP

Campbells, #1 can. **4/\$1**

MIXERS

Schweppes, 1 liter bottle **2/\$1**

SPAGHETTI SAUCE

Ragu, 32 oz. bottle **1⁹⁸**

PITTED OLIVES

Western Family, medium **59¢**

POTATO CHIPS

Ruffles, 16 oz. bag **1⁵⁹**



Whole Sun, 12 Oz. Frozen

ORANGE JUICE 85¢

KETCHUP

EGG ROLLS